

**AMENDMENT TO WAGANAKISING ODAWAK STATUTE 2009-007  
LAND USE, BUILDING REGULATION, AND ZONING STATUTE**

**SECTION I. REPEALS AND REPLACES**

**A. REPEAL.**

**SECTION III REPEAL OF PREVIOUS LEGISLATION**

This Statute repeals and replaces the Zoning Statute, WOS 2001-13; Building Code, WOS 2002-02; Site Plan Review, WOS 2005-05, as may have been amended, subject to the following:

**A.** Non-Conforming Uses. The use of any dwelling, building, structure, land or premises which was in existence and permitted under Tribal law at the time of enactment of this Statute may be continued at the discretion of the owner thereof, even though such use does not conform to the provisions of this Statute.

**B.** Building Code, WOS 2002-02, is only repealed upon Tribal Council approval of replacement Building Code Regulations, pursuant to this Statute.

**B. REPLACE.**

**SECTION III REPEAL OF PREVIOUS LEGISLATION, ABATEMENT, EXEMPTIONS, AND REGULATIONS**

Amendment to Waganakising Odawak Statute 2009-007, Land Use, Building Regulation, And Zoning Statute. WOS 2009-007 repeals and replaces the Zoning Statute, WOS 2001-13; Building Code, WOS 2002-02; Site Plan Review, WOS 2005-05, as may have been amended, subject to the following:

**A.** Non-Conforming Uses. The use of any dwelling, building, structure, land or premises which was in existence and permitted under Tribal law at the time of enactment

1 of this Statute may be continued at the discretion of the owner thereof, even though such  
2 use does not conform to the provisions of this Statute.

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4 **B.** Pending Actions and Abatement. Any Legislative change in this statute will  
5 extinguish penalties or liabilities accrued or incurred under the original law.

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7 **C.** Exemptions.

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9 **1.** A building permit is not required for ordinary repairs of a building or  
10 structure.

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12 **2.** A building permit is not required for a building incidental to the use for  
13 agricultural purposes of the land on which the building is located if the building is  
14 not used in the business of retail trade. "Agricultural purposes" means pertaining  
15 to, connected with, or engaged in agriculture or tillage for the production of crops  
16 for the use of animals or humans, and includes, but is not limited to, storage of  
17 equipment or purposes related to agriculture, farming, dairying, pasturage,  
18 horticulture, floriculture, viticulture, and animal and poultry husbandry.

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20 **3.** A qualifying roadside stand is exempt from the plumbing fixture  
21 requirements of any building code and is not required to have electric power. If a  
22 qualifying roadside stand has electric power, it must comply with the electrical  
23 code. A qualifying roadside stand must obtain a building permit. A "qualifying  
24 roadside stand" means a roadside stand that meets all of the following  
25 requirements:

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27 **a.** Is used only for seasonal retail trade in agricultural products.

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29 **b.** At least 50% of the agricultural products offered for sale at the  
30 roadside stand are produced on a farm that is owned or controlled by the  
31 person who owns the roadside stand.

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33 **c.** Is not larger than 400 square feet.

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35 **d.** Is securely anchored to the ground.

1                    **e.**        A tent that meets the requirements of a., b., and c.

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3                    **D.**        Regulation. The Executive shall prepare regulations that contain the above stated  
4                    Exemptions for Tribal Council's approval.

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6                    **SECTION II. EFFECTIVE DATE**

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8                    Effective upon signature of the Executive or thirty (30) days from Tribal Council approval  
9                    whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council  
10                    override of the veto.

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**CERTIFICATION**

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